

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Sri A. Vijay Kumar, Jailor, District Jail, Sanga Reddy, Medak District – Revision Petition against the punishment of postponement of two increments without cumulative effect - Allowed - Orders – Issued.

HOME (PRISONS. A) DEPARTMENT

G.O. Ms. No. 318

Date: 25-11-2008

Read the following:-

1. G.O. Ms. No. 88, Home (Prisons.A) Department, dated 07-05-2007.
2. From Sri A. Vijay Kumar, Jailor, District Jail, Sangareddy, Revision Petition, dated 21-07-2007.
3. From the DG&IGP&CS., AP., Hyderabad, Letter No. EA2/975/2007, dated 20-10-2007.

ORDER :

Sri A. Vijay Kumar, Jailor, District Jail, Sanga Reddy, Medak District, in the reference 2nd read above, has filed Revision Petition before the Government against the punishment of “postponement of two increments without cumulative effect” awarded by the Government in the reference 1st read above.

2. Sri A. Vijay Kumar, Jailor, was accused for unauthorized absence as he had not reported for duty at District Sub-Jails Officer, Adilabad, consequent on transfer from Central Prison, Cherlapalli, R.R. District, issued by the DG (Prisons) vide Memo No. EA2/746/2002, dated 04-07-2002. Aggrieved by the above orders, he has filed OA No. 6452 of 2002 before the Hon’ble APAT., Hyderabad. The Hon’ble APAT., Hyderabad, in its order, dated 25-07-2002, has quashed the transfer orders of DG (Prisons). The DIG of Prisons (TR), Hyderabad, has filed appeal against the orders of APAT., Hyderabad, in OA No. 6452 of 2002, dated 25-07-2002. The Hon’ble High Court in its order, dated 07-11-2003, in WP No. 1542 of 2003, has set aside the orders of Hon’ble APAT., Hyderabad, and held that the transfer order was valid.

3. The DIG of Prisons (TR), Hyderabad, has initiated disciplinary action against Sri A. Vijay Kumar, Jailor, for his unauthorized absence under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991, for the following Article vide Memo No. DIG(TR)/OS1/2002-2374, dated 01-08-2003.

“That the said Sri A. Vijay Kumar, former Jailor, Central Prison, Cherlapalli (under orders of transfer to O/o District Sub-Jails Officer, Adilabad and was relieved of his duties on the AN of 04-07-2002) has absented unauthorisedly till to date i.e 01-08-2003 and disobeyed the orders of superior officers which amounts to misconduct as per Rule-4 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.”

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4. The DG&IGP&CS., AP., Hyderabad, has appointed Sri M. Chandrasekhar, Superintendent, Central Prison, Cherlapalli, Enquiry Officer to conduct a detailed enquiry into the above article of charge framed against the Charged Officer. The Enquiry Officer has submitted his report on 21-01-2004, holding the charge against the Charged Officer as proved.

5. The DG&IGP&CS., AP., Hyderabad, after following the due procedure laid down in Andhra Pradesh Civil Services (CC&A) Rules, 1991, has awarded the punishment of "postponement of two increments with cumulative effect" to the delinquent officer vide proceedings No. EA2/746/2002, dated 19-09-2006.

6. Aggrieved by the above orders, Sri A. Vijay Kumar, Jailor, has filed appeal before the Government and requested to set aside the order of punishment treating the period from 27-07-2002 to 30-06-2004 as on duty. The Government, in the reference 1st read above, has modified the punishment of "postponement of two increments with cumulative effect" to that of "postponement of two increments without cumulative effect"

7. Sri A. Vijay Kumar, Jailor, in the reference 2nd read above, has filed Revision Petition before the Government against the orders issued by the Government in the reference 1st read above, and requested to set aside the order of punishment on the grounds adduced therein.

8. Government, after careful examination of the Revision Petition filed by Sri A. Vijay Kumar, Jailor, and after verifying the relevant records relating to the case, has found that the individual remained absent from duty from 04-07-2002 to 30-06-2004. The transfer orders of individual were quashed by the Hon'ble APAT., in its order, dated 25-07-2002 in OA No. 6452 of 2002. The individual reported for duty three times on 27-07-2002, 29-07-2002 and 24-09-2002, to the authorities concerned and he was not permitted by the authorities to join duty on the orders of the Hon'ble APAT. The Hon'ble High Court in its order, dated 07-11-2003, in WP No. 1542 of 2003, has set aside the orders of Hon'ble APAT., and held that the transfer order of individual was valid. Sri A. Vijay Kumar, Jailor, was taken to duty on 01-07-2004.

9. Government have concluded that the absence period of Sri A. Vijay Kumar, Jailor, from 04-07-2002 to 07-11-2003, cannot be treated as unauthorized absence as imputed in the article of charge, as he was not permitted to join duty. As the article of charge is not sustained, the individual is entitled for exoneration from charge and set aside of punishment by treating the period of his absence from 04-07-2002 to 07-11-2003, as compulsory wait i.e till the orders of the Hon'ble High Court in WP No. 1542 of 2003, dated 07-11-2003.

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10. Accordingly, Government hereby set-aside the punishment of "postponement of two increments without cumulative effect" imposed against Sri A. Vijay Kumar, Jailor, in the reference 1st read above, by treating the period of absence from 04-07-2002 to 07-11-2003, as compulsory wait, and the remaining period of absence from 08-11-2003 to 30-06-2004 as leave for which he is eligible.

11. The DG&IGP&CS., AP., Hyderabad, shall take necessary action in the matter accordingly.

12. The records furnished by the DG&IGP&CS., A.P., Hyderabad, in the reference 3rd read above, are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General & Inspector General of Prisons,
& Correctional Services Andhra Pradesh, Hyderabad.
**(with records in File No. EA2/746/2002,
containing Note file (32) pages and current file (520) pages)**

The individual **through** the DG&IGP&CS.,
A.P., Hyderabad.

The Superintendent of Jails, District Jail,
Sanga Reddy, Medak District.

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER